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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/990,973	12/15/1997	ELIZABETH A. SMITH	01263.59651	1916

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

EXAMINER

SALCE, JASON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/990,973

Applicant(s)

SMITH ET AL.

Examiner

Jason P Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The examiner has analyzed the chain of continuity of the applications listed by applicant at page 1 of the specification. The instant claims 15-26 appear to find the earliest support in 07/960,261 (U.S. Patent No. 5,355,480). Therefore, claims 15-26 have an effective filing date of October 13, 1992.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnson et al. (U.S. Patent No. 5,001,554).

Referring to claim 15, Johnson discloses an interactive entertainment system (Column 3, Lines 15-18), and a system manager 12 that generates operation data (commands to generate screens) for transmission via addressable transmitter 10 to an interactive subscriber terminal (Column 4, Lines 21-25). Johnson also discloses receiving a video signal at a subscriber terminal (Column 3, Lines 46-49). Johnson also discloses storing the first operation data in a random access memory 217 (Column 5, Lines 50-55). Johnson also discloses receiving a user input (Column 5, Lines 58-60). Johnson also discloses generating and transmitting upstream data to the system manager according to a user's input (Column 1, Lines 33-38 and Column 4, Lines 51-54 and Column 15, Lines 6-9).

Referring to claim 16, Johnson discloses plural operational data being sent from the system manager and received at a subscriber terminal (Column 4, Lines 42-46).

Referring to claim 17, Johnson discloses storing operation data associated with a user input identifying a particular operation (Column 14, Lines 61-67). Johnson also discloses comparing the user input with the operation data (Column 20, Lines 6-12). Johnson also discloses performing an operation corresponding with the operation data, which matches the user input during a first or second mode (Column 20, Lines 6-16).

Referring to claim 18, Johnson discloses transmitting operation data from the system manager 12 to the subscriber terminal prior to storing the data (Column 4, Lines 21-25 and Column 5, Lines 50-55).

Referring to claim 19, Johnson discloses storing a key template map for associating a particular key of a keypad with an operation to be performed by a processor (Column 11, Lines 45-53 and Lines 59-64 and Column 13, Lines 26-47). Johnson also discloses displaying a background video signal (Column 11, Lines 5-15). Johnson also discloses an operation prompt displayed on the background video signal (Column 12, Lines 20-24). Johnson also discloses receiving a key input (Column 14, Lines 65-67). Johnson also discloses comparing the key input with the key map to determine an operation from the screen (Column 11, Lines 45-53 and Lines 59-64). Johnson also discloses performing the operation from the screen during a first or second mode (Column 11, Lines 45-53 and Lines 59-64 and Column 12, Lines 8-14).

Referring to claim 20, Johnson discloses downloading the key template map from the system manager (Column 4, Lines 21-25).

Claim 21 is an article of manufacture of the method in claim 19; see rejection of claim 19 and figure 2.

Referring to claim 22, Johnson discloses a system manager 12 for downloading screen data and a key template map to memory (Column 4, Lines 21-25 and Column 4, Lines 65-67 and Column 5, Lines 1-2 and Column 8, Lines 39-45).

Referring to claim 23, Johnson discloses screen attribute data for defining display characteristics of a screen (Column 8, Lines 39-45).

Referring to claim 24, Johnson discloses a remote control keypad that communications with the processor (Column 6, Lines 38-42).

Referring to claim 25, Johnson discloses that the operation prompt can display a program routine (see figures 3 and 4).

Referring claim 26, Johnson discloses that the background video signal includes either a plain colored screen or an incoming video signal (Column 6, Lines 42-47).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.



February 24, 2002

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600